

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
INTELLECTUAL PROPERTY RIGHTS DIVISION

ORIGINAL SIDE

IPDCR/1/2025
PARUL RUPARELIA AND ANR.
VS
CAMME WANG AND ORS.

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 8th April, 2026.

APPEARANCE:

Mr. Rudraman Bhattacharya, Sr. Adv.

Mr. Sourajit Dasgupta, Adv.

Mr. Victor Dutta, Adv.

Mr. Dhruv Chadda, Adv.

For Applicants

Mr. Shuvasish Sengupta, Adv.

Mr. S.E. Huda, Adv.

Ms. Amrin Khatoon, Adv.

Md. Rizwar Alam, Adv.

Mr. Himadri Roy, Adv.

Sk. Aptabuddin, Adv.

Ms. Nabeela Akbar, Adv.

Mr. Sahadat Ali, Adv.

For respondents

THE COURT: This is an application for rectification of the copyright registered in the name of respondent no.2. The petitioners say that the entire process of getting the copyright registered in the name of respondent no.2 is vitiated as the necessary compliance of the applicable rules of the Copyright Rules, 2013 has not been made. By relying upon sub-rule 6 and 9 of Rule 70 of the 2013 Rules, it is submitted by the petitioners that under sub-rule 6 it was the obligation of the respondent nos.1 and 2 to apply for and obtain a certificate from the registrar of trade mark referred to in Section 3 of the Trade Marks Act, 1999 and furnish the same along with their application.

It was also the obligation of the respondent no.2 to intimate the petitioners about their application for registration as the respondent no.2 was aware that the petitioners may object to the registration since their right as holder of the registered trademark is likely going to be affected.

It is further case of the petitioners that the mark of which copyright was applied for and got registered by the respondent no.2 is registered as the trade mark of the petitioners. Had the respondent nos.1 and 2 made searches with the registering authority under the Trade Marks Act, 1999, it would have been known to the respondent nos.1 and 2 that the petitioners are holding a registered trade mark of the self-same content. That apart and in any event, the respondent nos.1 and 2 were all along aware about the trade mark being registered in favour of the petitioners as the said respondent nos.1 and 2 had sought for assignment of the registered trade mark from the petitioners prior to applying for registering the copyright. Since this mandatory procedure has not been followed by the respondent no.2, the copyright registered in their name is liable to be rejected and/or cancelled. The respondent nos.1 and 2, however, dispute such submission.

Arguments could not be concluded.

Let this matter appear for further consideration on 20th April, 2026.

(ARINDAM MUKHERJEE, J.)